

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

ORDER

Pending before the Court is the Government's Motion to Dismiss Count One of the Superseding Indictment Against Defendant Jeremy Halgat, (ECF No. 2190). Defendant Jeremy Halgat ("Halgat") filed a Response in Non-Opposition, (ECF No. 2207). The Government did not file a reply.

On June 14, 2017, a federal grand jury seated in the District of Nevada, returned a superseding criminal indictment charging Halgat with Conspiracy to Participate in a Racketeering Enterprise, in violation of Title 18, United States Code, Section 1962(d) (Count One); Conspiracy to Possess with Intent to Deliver a Controlled Substance, in violation of Title 21, United States Code, Sections 846, 841(b)(1)(A) (Count Eleven); and Using and Carrying a Firearm During and In Relation to Crime of Violence, in violation of Title 18, United States Code, Section 924(c)(1)(A)(I) (Count Twelve). (Superseding Indictment, ECF No. 13).

The Government now seeks to dismiss without prejudice Count One against Halgat under Rule 48(a) of the Federal Rules of Criminal Procedure. In its Motion, the Government explains that it does not seek to dismiss Counts Eleven and Twelve, but that Count One should be dismissed “in the interest of justice.” (Mot. Dismiss at 2, ECF No. 2190).

Halgar does not oppose the Government's Motion. However, Halgar indicates that in the event the Government's Motion is granted,

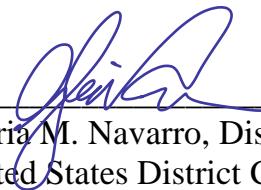
1 Mr. Halgat seeks an Order . . . expressly stating that the case has been dismissed,
2 but that Mr. Halgat has reserved all his rights to appeal stemming from this case
3 as previously litigated, and further reserves the right to file Motions to Dismiss
4 associated with the government's choice to first indict Mr. Halgat in *2:13-cr-239-JAD-PAL* and *2:13-cr-00241-APG-VCF* in 2013, subsequently and voluntarily
5 dismiss those cases, indict Mr. Halgat in this case in 2017, and then in 2020 move
6 to dismiss this case as against every remaining defendant and every count—
7 except Counts Eleven and Twelve.

8 (Resp. at 2–3, ECF No. 2207). Because Halgat does not provide any legal authority to support
9 his request, the Court does not deem it necessary to make any findings regarding Halgat's
10 appellate rights at this time. Accordingly, in light of Halgat's non-opposition to the
11 Government's Motion,

12 **IT IS HEREBY ORDERED** that the Government's Motion to Dismiss, (ECF No.
13 2190), is **GRANTED**.

14 **IT IS FURTHER ORDERED** that Count One of the Superseding Indictment as to
15 Defendant Jeremy Halgat is **DISMISSED without prejudice**.

16 **DATED** this 8 day of April, 2020.

17 
18 Gloria M. Navarro, District Judge
19 United States District Court